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Kankakee County Highway Department

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KANKAKEE, ILLINOIS 60901

JAMES W. PIEKARCZYK P.E.
COUNTY ENGINEER
PHONE: 815/933-1731
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July 3, 2007

Mr. Mike Freeman, P.E.
Director of Bridge Maintenance
Union Pacific Railroad
1400 Douglas Street
STOP 1080
Omaha, Nebraska 68179

RE: REMOVAL OF BRIDGE CARRYING COUNTY HIGHWAY 19 OVER
UNION PACIFIC RAILROAD COMPANY RIGHT-OF-WAY IN KANKAKEE
COUNTY ILLINOIS - IDOT STRUCTURE NUMBER 046-9900

LETTER OF UNDERSTANDING

Dear Mr. Freeman:

Today, I visited the location formerly occupied by the Union Pacific Railroad (UPRR) Bridge carrying County Highway 19 (CH 19) over the UPRR. The bridge had been out of public service for several years due to its deteriorated condition. I understand the UPRR recently removed the bridge using UPRR forces as it posed an understandable hazard to passing trains beneath the bridge.



WEST APPROACH LOOKING EAST

At the site today I found jersey barriers erected by the UPRR at both approaches to the former bridge.

The west bridge abutment has been removed; however, the east bridge abutment still remains in place as I understand the UPRR forces were concerned the approach roadway might slide if not supported by the timber abutment left in place.

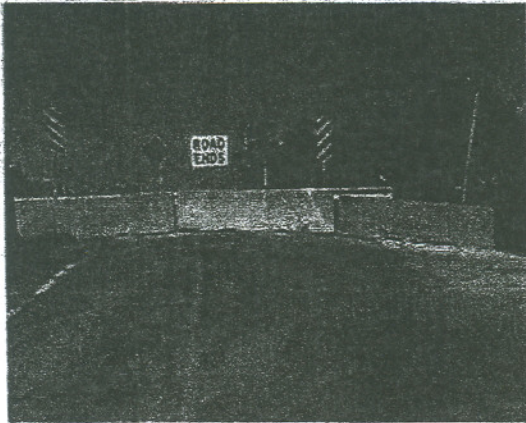
EXHIBIT 'D'

"Please drive carefully"

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It is my understanding that the replacement of the bridge carrying our CH 19 over the UPRR is now included in the Illinois Commerce Commission's (ICC) Grade Crossing Protection Program for fiscal year 2011 (beginning July 1, 2010).

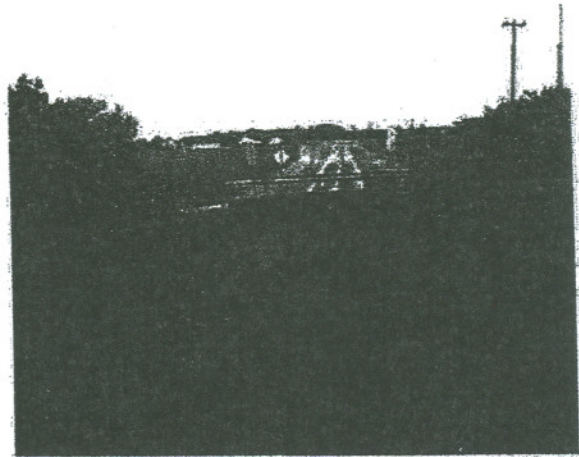


Further, it is my understanding the UPRR has accepted the cost and responsibility for removing the bridge with the understanding that the new bridge will be constructed over the railroad line in accordance with the ICC's Grade Crossing Protection Program.

EAST APPROACH LOOKING WEST

It should be understood that by agreeing to the removal of the bridge carrying CH 19 over the UPRR, the County of Kankakee, Department of Highways, does not waive its right to replacing the structure crossing UPRR right-of-way. Neither should it be understood that by agreeing to the removal of the bridge carrying CH 19 over the UPRR, the County of Kankakee, Department of Highways, waives its right to enjoying further opportunities for cost participation by the UPRR including, but not necessarily limited to, removal of the existing structure in its entirety – including the abutments.

Upon full execution of this Letter of Understanding, a copy will be forwarded to the Staff at the ICC for their review and further handling.



LOOKING EAST AT EAST ABUTMENT

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If the UPRR concurs with the foregoing, please so indicate by signing the duplicate original of this Letter of Understanding and returning same to me.

Sincerely yours,



James W. Piekarczyk, P.E.
County Engineer

JWP/jwp

UNION PACIFIC RAILROAD

Accepted and Agreed to this 20 day of July, 2007

By: Michael Freeman

Title: Deputy Bridge Maintenance Northern Region

Copy: Brian Vercruysse

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